

The Secretary shall grant such a waiver if a State can demonstrate an inability to maintain or increase the required funding share of its pipeline safety program at or above the level required by this subsection due to economic hardship in that State.”.

#### SEC. 27. MAXIMUM ALLOWABLE OPERATING PRESSURE.

##### (a) ESTABLISHMENT OF RECORDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall require pipeline operators to conduct a verification of records for all interstate and intrastate gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that accurately reflect the pipeline's physical and operational characteristics and confirm the established maximum allowable operating pressure of those pipelines.

(2) ELEMENTS.—Verification of each record under paragraph (1) shall include such elements as the Secretary considers appropriate.

##### (b) REPORTING.—

(1) DOCUMENTATION OF CERTAIN PIPELINES.—Not later than 18 months after the date of enactment of this Act, pipeline operators shall submit to the Secretary documentation of all interstate and intrastate gas transmission pipelines in class 3 and class 4 locations and class 1 and class 2 high consequence areas where the records required under subsection (a) are not sufficient to confirm the established maximum allowable operating pressure of those pipeline segments.

(2) EXCEEDANCES OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—All pipeline operators shall report any exceedance of the maximum allowable operating pressure for gas transmission pipelines that exceed the build-up allowed for operation of pressure-limiting or control devices to the Secretary not later than 5 working days after the exceedance occurs. Notice of exceedance by gas transmission pipelines shall be provided concurrently to appropriate State authorities.

##### (c) DETERMINATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

(1) IN GENERAL.—For any transmission line reported in subsection (b), the Secretary shall require the operator of the transmission line to reconfirm a maximum allowable operational pressure as expeditiously as economically feasible.

(2) INTERIM ACTIONS.—For cases described in paragraph (1), the Secretary will determine what actions are appropriate for a pipeline operator to take to maintain safety until a maximum allowable operating pressure is confirmed. In determining what actions an operator should take, the Secretary shall take into account consequences to public safety and the environment, impacts on pipeline system reliability and deliverability, and other factors, as appropriate.

(d) TESTING REGULATIONS.—The Secretary shall, not later than 18 months after the date of the enactment of this Act, prescribe regulations for conducting tests to confirm the material strength of previously untested natural gas transmission pipelines located in areas identified pursuant to section 60109(a) of title 49, United States Code, and operating at a pressure greater than 30 percent of specified minimum yield strength. The Secretary shall consider safety testing methodologies including, at a minimum, pressure testing or other alternative methods, including in-line inspections, determined by the Secretary to be of equal or greater effectiveness. The Secretary, in consultation with the Chairman of the Federal Energy Regulatory Commission and State regulators, as appropriate, shall establish timeframes for the completion of such testing that take into account con-

sequences to public safety and the environment and that minimize costs and service disruptions.

#### SEC. 28. ADMINISTRATIVE ENFORCEMENT PROCEEDINGS.

##### (a) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall prescribe regulations—

(A) requiring hearings under sections 60112, 60117, 60118, and 60122 to be convened before a presiding official;

(B) providing the opportunity for any person requesting a hearing under sections 60112, 60117, 60118, and 60122 to arrange for a transcript of that hearing, at the expense of the requesting person; and

(C) ensuring expedited review of any order issued pursuant to section 60112(e).

(2) PRESIDING OFFICIAL.—The regulations prescribed under this subsection shall—

(A) define the term “presiding official” to mean the person who conducts any hearing relating to civil penalty assessments, compliance orders, safety orders, or corrective action orders; and

(B) require that the presiding official must be an attorney on the staff of the Deputy Chief Counsel that is not engaged in investigative or prosecutorial functions, including the preparation of notices of probable violations, orders relating to civil penalty assessments, compliance orders, or corrective action orders.

(b) STANDARDS OF JUDICIAL REVIEW.—Section 60119(a) is amended by adding at the end the following new paragraph:

“(3) All judicial review of agency action under this section shall apply the standards of review established in section 706 of title 5.”.

#### SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

##### (a) GAS AND HAZARDOUS LIQUID.—

(1) Section 60125(a)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$92,206,000, of which \$9,200,000 is for carrying out such section 12 and \$36,958,000 is for making grants;

“(B) for fiscal year 2013, \$96,144,000, of which \$9,600,000 is for carrying out such section 12 and \$39,611,000 is for making grants;

“(C) for fiscal year 2014, \$99,876,000, of which \$9,900,000 is for carrying out such section 12 and \$41,148,000 is for making grants; and

“(D) for fiscal year 2015, \$102,807,000, of which \$10,200,000 is for carrying out such section 12 and \$42,356,000 is for making grants.”.

(2) Section 60125(a)(2) is amended by striking subparagraphs (A) through (D) and inserting the following:

“(A) for fiscal year 2012, \$18,905,000, of which \$7,562,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(B) for fiscal year 2013, \$19,661,000, of which \$7,864,000 is for carrying out such section 12 and \$7,864,000 is for making grants;

“(C) for fiscal year 2014, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants; and

“(D) for fiscal year 2015, \$20,000,000, of which \$8,000,000 is for carrying out such section 12 and \$8,000,000 is for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2007 through 2010” and inserting “2012 through 2015”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) by striking “2007 through 2010.” in subsection (a) and inserting “2012 through 2015.”;

(2) by striking “2007 through 2010.” in subsection (b) and inserting “2012 through 2015.”; and

(3) by striking subsection (c).

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134 is amended by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to provide grants under this section \$2,000,000 for each of fiscal years 2012 through 2015. The funds shall remain available until expended.”.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130 is amended—

(1) by striking “\$50,000” in subsection (a)(1) and inserting “\$100,000”; and

(2) by striking “2003 through 2010.” in subsection (d) and inserting “2012 through 2015.”.

(f) PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—Section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended—

(1) by adding at the end of subsection (d) the following:

“(3) ONGOING PIPELINE TRANSPORTATION RESEARCH AND DEVELOPMENT.—After the initial 5-year program plan has been carried out by the participating agencies, the Secretary of Transportation shall prepare a research and development program plan every 5 years thereafter and shall transmit a report to Congress on the status and results-to-date of implementation of the program each year that funds are appropriated for carrying out the plan.”; and

(2) by striking “2003 through 2006.” in subsection (f) and inserting “2012 through 2015.”.

#### SEC. 30. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### COMMEMORATING THE OPENING OF THE CHESAPEAKE AND DELAWARE CANAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 294, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 294) commemorating the 182nd anniversary of the opening of the Chesapeake and Delaware Canal.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 294) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 294

Whereas on October 17, 1829, the Chesapeake and Delaware Canal became operational with the joint support of the Federal

Government and the States of Delaware, Maryland, and Pennsylvania;

Whereas the Chesapeake and Delaware Canal has served the economy of the Chesapeake and Mid-Atlantic regions for 182 years, first as a lock-system canal and in the 20th century, as a free-flowing waterway;

Whereas the Chesapeake and Delaware Canal Museum recognizes and celebrates the history of the Canal and the role of the Canal in the economic development of the United States from the early 19th century through the date of approval of this resolution;

Whereas the Chesapeake and Delaware Canal is 1 of only 2 commercially viable sea level canals in the United States and is vital to the Ports of Wilmington, Baltimore, and Philadelphia, as well as the broader United States economy;

Whereas the Chesapeake and Delaware Canal is 1 of the busiest working waterways in the world, with more than 25,000 vessels passing through the Canal each year;

Whereas the Philadelphia District of the Corps of Engineers has responsibly managed the Chesapeake and Delaware Canal since 1933, including regularly dredging the Canal, maintaining existing bridges and roadways, and managing maritime traffic;

Whereas in 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the Chesapeake and Delaware Canal;

Whereas in March 2006, the Chesapeake and Delaware Canal trail concept plan was completed by the working group recommending the creation of a recreational trail along both banks of the Chesapeake and Delaware Canal to be used by walkers, joggers, cyclists, and equestrians;

Whereas the Federal Government and the State of Delaware have worked together to provide funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal, with construction set to begin in the spring of 2012;

Whereas the Chesapeake and Delaware Canal is surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists, families, students, anglers, hunters, nature enthusiasts, and others to participate in outdoor activities;

Whereas the recreational trail along the Chesapeake and Delaware Canal has the potential to provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City;

Whereas plans for Phase I of the recreational trail call for 9 miles of improved trail along the Chesapeake and Delaware Canal from Delaware City to Summit Marina, Delaware, including the construction of parking areas and comfort stations;

Whereas public participation has been an integral part of the development of the recreational trail along the Chesapeake and Delaware Canal and the plan enjoys broad support from local communities, stakeholder groups, and Federal and State officials; and

Whereas construction of the trail will create jobs and bring economic activity to communities along the Chesapeake and Delaware Canal while encouraging health and wellness through outdoor engagement: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 182nd anniversary of the opening of the Chesapeake and Delaware Canal;

(2) celebrates the history of the Chesapeake and Delaware Canal as a facilitator of trade and economic development in the Chesapeake and Mid-Atlantic regions;

(3) honors the ongoing role that the Chesapeake and Delaware Canal plays in supporting commerce by linking the Delaware River and Chesapeake Bay to ports around the world; and

(4) recognizes the potential for recreation on federally owned land along the banks of the Chesapeake and Delaware Canal to encourage job creation, outdoor engagement, wellness, and fitness.

#### DESIGNATING OCTOBER 26, 2011, AS “DAY OF THE DEPLOYED”

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 295.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 295) designating October 26, 2011, as “Day of the Deployed.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 295) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 295

Whereas more than 2,270,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas North Dakota began honoring the members of the Armed Forces and their families by designating October 26 as “Day of the Deployed” in 2006; and

Whereas 40 States designated October 26, 2010, as “Day of the Deployed”: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2011, as “Day of the Deployed”; and

(4) encourages the people of the United States to observe “Day of the Deployed” with appropriate ceremonies and activities.

#### MEASURES READ THE FIRST TIME—H.R. 2250, H.R. 2273, S. 1720, AND S. 1723

Mr. REID. Mr. President, I am told there are four bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

A bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

A bill (S. 1720) to provide American jobs through economic growth.

A bill (S. 1723) to provide for teacher and first responder stabilization.

Mr. REID. Mr. President, I ask for a second reading of these four matters en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read a second time on the next legislative day.

#### ORDERS FOR TUESDAY, OCTOBER 18, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, October 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of H.R. 2112; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.